



# CRITICAL AREAS MANAGEMENT OVERVIEW

## MMC Chapter 22E.010

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### Article I. General Introduction

**Section 22E.010.010, General purpose and intent.** The City of Marysville finds that critical areas perform many important biological and physical functions that benefit the City of Marysville and its residents. Specifically, the functions they perform include, but are not limited to, the following by type:

- (a) Wetlands. Helping to maintain water quality; storing and conveying stormwater and floodwater; recharging groundwater; providing important fish and wildlife habitat; and serving as areas for recreation, education and scientific study and aesthetic appreciation; and
- (b) Fish and Wildlife Habitat Areas. Maintaining species diversity and genetic diversity; providing opportunities for food, cover, nesting, breeding and movement for fish and wildlife; serving as areas for recreation, education, and scientific study and aesthetic appreciation; helping to maintain air and water quality; controlling erosion; and providing neighborhood separation and visual diversity within urban areas.

The intent of these regulations is to avoid impacts where such avoidance is feasible and reasonable. In appropriate circumstances, impacts to critical areas resulting from regulated activities may be minimized, rectified, reduced or compensated for, consistent with the requirements of these regulations. The City of Marysville's overall goal shall be to protect the functions and values of critical areas and protect the people, public and private property, and natural ecosystems.

### Article II. Wetlands

**Section 22E.010.060, Wetland rating and classification.** Wetlands shall be classified as Category I, II, III, or IV using the Washington State Department of Ecology's Wetland Rating System for Western Washington. Additional documentation utilized in the delineation and assessment of wetlands is contained in this section.

**Section 22E.010.100, Wetland buffer areas.** The establishment of wetland buffer areas shall be required for all development proposals and activities adjacent to wetlands to protect the integrity, function and value of the wetland. Buffers shall consist of an undisturbed area of native vegetation established to protect the functions and values of the wetland. Buffers shall be determined in conjunction with considerations of wetland category and quality, approved wetland alterations and required mitigation measures. The following buffer widths are established:

#### WETLAND BUFFER WIDTHS

Wetland Category	Buffer Width*
Category I	125 feet
Ebey Slough	100 feet
except in the following location: north and south shore of Ebey Slough between the western city limits, at approximately I-5, and 47th Avenue	
NE	25 feet
Category II	100 feet

Category III	75 feet
Category IV	35 feet

\*Buffer widths may be increased by 25 percent pursuant to Section 22E.010.100(6). Buffer widths may also be modified consistent with Section 22E.010.100(5).

**Section 22E.010.110, Wetland alteration and mitigation.** All adverse impacts to wetland functions and values shall be mitigated. Where impacts cannot be avoided, the applicant or property owner shall seek to implement other appropriate mitigation actions in compliance with the intent, standards and criteria of this section. Alteration of wetlands or their buffers may be permitted by the Community Development Department subject to the criteria outlined in this section.

**Section 22E.010.120, Wetland mitigation standards and criteria.** Restoration, creation, or enhancement actions should be undertaken on or adjacent to the site, or where restoration or enhancement of a former wetland is proposed, within the same watershed. Where wetland alterations are permitted by this chapter, the applicant shall restore or create equivalent areas of wetlands in order to compensate for wetland losses.

**Section 22E.010.130, Wetland mitigation banks.** Wetland mitigation banks are a site where wetlands are restored, created, enhanced, or in exceptional circumstances, preserved expressly for the purpose of providing compensatory mitigation in advance of authorized impacts to similar resources.

**Section 22E.010.140, Wetland mitigation plan requirements.** Where it is determined by the City that compensatory wetland mitigation is required or appropriate, a mitigation plan shall be prepared. The purpose of the plan is to prescribe mitigation to compensate for impacts to the wetland functions, values and acreage as a result of the proposed action.

**Section 22E.010.150, Performance standards for wetland mitigation planning.** Performance standards for wetland mitigation planning which shall be incorporated into mitigation plans submitted to the City are outlined in this section. On completion of construction, the wetland mitigation project must be signed off to indicate that the construction has been completed as planned, by the applicant's qualified scientific professional and the Community Development Department.

**Section 22E.010.160, Wetland monitoring program and contingency plan.** A monitoring program shall be implemented to determine the success of the mitigation project and any necessary corrective actions. This program shall determine if the original goals and objectives are being met.

### **Article III. Fish and Wildlife Habitat Areas**

**Section 22E.010.200, Fish and wildlife habitat inventory maps.** The approximate location and extent of habitat areas within the City of Marysville's planning area are shown on the maps adopted as part of this chapter. These maps shall be used as a general guide only for the assistance of property owners and other interested parties; boundaries are generalized. The actual type, extent and boundaries of habitat areas shall be determined by a qualified scientific professional according to the procedures, definitions and criteria established by this chapter.

**Section 22E.010.210, Classification of fish and wildlife habitat areas.** Streams shall be classified according to the stream type system as provided in WAC 222-16-030, Stream Classification System, as amended.

**Section 22E.010.220, Fish and wildlife habitat buffer areas.** The establishment of buffer areas shall be required for regulated activities in or adjacent to habitat areas. Buffers shall consist of an undisturbed

area of native vegetation established to protect the integrity, functions and values of the affected habitat. Activities within buffers should not result in any net loss of the functions and values associated with streams and their buffers. The following buffer widths are established:

Stream Buffer Widths	
Streams	Buffer
<b>Type S</b>	
Quilceda Creek	200 feet
Ebey Slough	100 feet
Except in the following location north and south shore of Ebey Slough between the western city limits and 47th Ave. NE	25 feet
<b>Type F</b>	150 feet
Gissberg Twin Lakes	Lake setbacks correspond to county park boundaries
<b>Type Np</b>	100 feet
<b>Type Ns</b>	50 feet

\*Buffer widths may be increased by 25 percent pursuant to Section 19.24.100(6).

Stream buffers shall be measured from the ordinary high water mark as identified in the field or, if that cannot be determined, from the top of the bank.

#### **Article IV. Geologic Hazard Areas**

**Section 22E.010.270, Applicability to geologic hazards.** The provisions of this section shall apply to any activity that occurs in, on or within 300 feet of, or potentially affects, a geologic hazard area. Pursuant to MMC Section 22A.020.080, geologic hazard areas means lands or areas characterized by geologic, hydrologic and topographic conditions that render them susceptible to potentially significant or severe risk of landslides, erosion, or seismic activity.

**Section 22E.010.280, Geologic hazard inventory map.** The approximate location and extent of geologic hazard areas within the City of Marysville's planning area are shown on the critical areas maps adopted as part of this chapter. These maps should be used as a general guide only for the assistance of property owners and as information for the public. They are intended to indicate where potentially hazardous conditions are believed to exist. Boundaries are generalized; field investigation and analysis by a qualified scientific professional is required to confirm the actual presence or absence of a critical area.

**Section 22E.010.290, Alteration of geologic hazard areas and development limitations.** The City of Marysville may approve, condition or deny proposals as appropriate based on the degree to which significant risks posed by critical hazard areas to public and private property and to public health safety can be mitigated. The objective of mitigation measures shall be to render a site containing a critical geologic hazard site as safe as one not containing such hazard or to develop a structure that will tolerate the hazard.

**Section 22E.010.300, Setbacks from geologic hazards.** A setback shall be established from the edge of any geologic hazard area that is not approved for alteration pursuant to this chapter. The setback shall consist of an undisturbed area of natural vegetation; if the site has previously been disturbed, the setback area shall be revegetated pursuant to an approved planting plan.

## **Article V.      General Information**

***Section 22E.010.330, Permit process and application requirements.*** All applicants are encouraged to submit for a pre-application meeting. The purpose of this meeting shall be to discuss the City of Marysville's critical areas requirements, process and procedures; to review any conceptual site plans prepared by the applicant; to discuss appropriate investigative techniques and methodology; to identify potential impacts and mitigation measures; and to familiarize the applicant with state and federal programs, particularly those pertaining to wetlands. Such conference shall be for the convenience of the applicant and any recommendations shall not be binding on the applicant or the City of Marysville. Formal application submittal requirements are discussed at the pre-application meeting and are also contained in this section.

***Section 22E.010.340, Selection of qualified scientific professional and City review of report.*** For the purposes of this chapter, qualified scientific professionals not licensed by the State of Washington for the activities they are to perform in evaluation of critical areas shall be reviewed by and their names appear on an approved list prepared by the City of Marysville. The adopted lists of qualified scientific professionals shall be available at the Community Development Department.